

REMARKS

1. The Amendment of October 9, 2008 is alleged to be non-compliant because Claim 96 includes two status identifiers. Claim 96 includes two status identifiers to reflect the fact that it was cancelled from the application, and subsequently renumbered. The "currently amended" status identifier refers to the amendment in which the placeholder for the cancelled claim was renumbered. Claims 96 and 97 are amended to eliminate the "currently amended" status identifier, to indicate that the only change to the Claim is the numbering. The substance of the Claim remains unchanged.

Applicant strenuously objects to the repetitive cycle of Notices of non-compliant amendment from the Office triggered by the Examiner's improper insistence that Applicant renumber the Claims. It is well-established that the Rules of Practice do not permit Applicant to renumber the Claims. By insisting that Applicant perform a task that is expressly proscribed by the Rules, the Examiner has created a situation that confuses parties handling the responses prior to their being docketed to the Examiner, thus triggering yet another Notice of non-compliance. This unproductive cycle is needlessly prolonging prosecution of the Application and unnecessarily increasing Applicant's cost of prosecution.

Applicant earnestly requests that the Examiner intervene to shepherd the present response through the administrative chain so that another Notice of non-compliance is not forthcoming.

CONCLUSION

In view of the foregoing, the Application is deemed in allowable condition. Accordingly, Applicant respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner have any questions regarding the Application, he is invited to contact Applicant's attorney at 650-474-8400.

Respectfully submitted,



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